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PARLIAMENT, Statutes

ANATOMY ACT, 1832

&

ANATOMY ACT, 1871

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55 Geo. 3.
c. 194.

Irregularity, may recover full satisfaction for the special damage in an action upon the case.

Ss. 27—30.

Act not to
affect chemists
and druggists.

28. Nothing in this act contained shall extend, or be construed to extend, to prejudice, or in any way to affect the trade or business of a chemist and druggist, in the buying, preparing, compounding, dispensing, and vending drugs, medicines, and medicinale compounds, wholesale and retail; but all persons using or exercising the said trade or business, or who shall or may hereafter use or exercise the same, shall and may use, exercise, and carry on the same trade or business in such manner, and as fully and amply to all intents and purposes, as the same trade or business was used, exercised, or carried on by chemists and druggists before the passing of this act.

Saving rights.

29. Nothing in this act contained shall extend or be construed to extend to lessen, prejudice, or defeat, or in anywise to interfere with any of the rights, authorities, privileges, and immunities heretofore vested in and exercised and enjoyed by either of the two universities of Oxford or Cambridge, the royal college of physicians, the royal college of surgeons, or the said society of apothecaries respectively, other than and except such as shall or may have been altered, varied, or amended in and by this act; [*or of any person or persons practising as an apothecary previously to the 1st day of August, 1815;*] but the said universities, royal colleges, and the said society, and all such persons or person shall have, use, exercise, and enjoy all such rights, authorities, privileges, and immunities, save and except as aforesaid, in as full, ample, and beneficial a manner, to all intents and purposes, as they might have done before the passing of this act, and in case the same had never been passed (*e*).

30. [Repealed and replaced by Public Authorities Protection Act, 1893, tit. "Public Authorities."]

The Anatomy Act, 1832.

2 & 3 Will. 4, c. 75. An Act for regulating Schools of Anatomy.
[1st August, 1832]

"Whereas a knowledge of the causes and nature of sundry diseases which affect the body, and of the best methods of treating and curing such diseases, and of healing and repairing divers wounds and injuries to which the human frame is liable, cannot be acquired without the aid of anatomical examination: and whereas the legal supply of human bodies for such anatomical examination is insufficient fully to provide the means of such knowledge: and whereas, in order further to supply human bodies for such purposes, divers great and grievous crimes have been committed, and lately murder (*f*), for the single object of selling for such purposes the bodies of the persons so murdered: and whereas therefore it is highly expedient to give protection, under certain regulations, to the study and practice of anatomy, and to prevent, as far as may be, such great and grievous crimes and murder as aforesaid:" BE IT THEREFORE ENACTED, that it shall be lawful for his majesty's principal secretary of state for the time being for the home department in that part of the united kingdom called Great Britain, and for the chief secretary for Ireland in that part of the united kingdom called Ireland.

Secretary of
state may
grant licences
to practise
anatomy.

(*e*) Italicised words of s. 29 repealed by S. L. R. 1890. given to this kind of murder, from Burke, who was executed for it in January, 1829.

(*f*) "Burking" was the name



immediately on the passing of this act, or so soon thereafter as may be required, to grant a licence to practise anatomy to any fellow or member of any college of physicians or surgeons, or to any graduate or licentiate in medicine, or to any person lawfully qualified to practise medicine in any part of the united kingdom, or to any professor or teacher of anatomy, medicine, or surgery, or to any student attending any school of anatomy, on application from such party for such purpose, countersigned by two of his majesty's justices of the peace acting for the county, city, borough, or place wherein such party resides, certifying that, to their knowledge or belief, such party so applying is about to carry on the practice of anatomy.

2 & 3 Will. 4.
c. 75.
Ss. 1—7.

2. It shall be lawful for his majesty's said principal secretary of state or chief secretary, as the case may be, immediately on the passing of this act, or as soon thereafter as may be necessary, to appoint respectively not fewer than three persons to be inspectors of places where anatomy is carried on, and at any time after such first appointment to appoint, if they shall see fit, one or more other person or persons to be an inspector or inspectors as aforesaid; and every such inspector shall continue in office for one year, or until he be removed by the said secretary of state or chief secretary, as the case may be, or until some other person shall be appointed in his place; and as often as any inspector appointed as aforesaid shall die, or shall be removed from his said office, or shall refuse or become unable to act, it shall be lawful for the said secretary of state or chief secretary, as the case may be, to appoint another person to be inspector in his room.

Secretary of state to appoint inspectors of schools of anatomy;

3. It shall be lawful for the said secretary of state or chief secretary, as the case may be, to direct what district of town or country, or of both, and what places where anatomy is carried on, situate within such district, every such inspector shall be appointed to superintend, and in what manner every such inspector shall transact the duties of his office.

and to direct what district every inspector shall superintend.

4. Every inspector to be appointed by virtue of this act shall make a quarterly return to the said secretary of state or chief secretary, as the case may be, of every deceased person's body that during the preceding quarter has been removed for anatomical examination to every separate place in his district where anatomy is carried on, distinguishing the sex, and, as far as is known at the time, the name and age of each person whose body was so removed as aforesaid.

Inspectors to make returns of subjects removed for anatomical examination;

5. It shall be lawful for every such inspector to visit and inspect, at any time, any place within his district, notice of which place has been given, as is hereinafter directed, that it is intended there to practise anatomy.

and to inspect places where anatomy is practised.

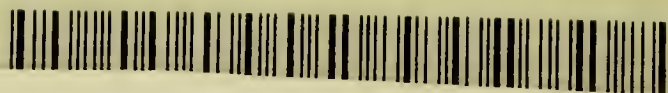
6. It shall be lawful for his majesty to grant to every such inspector such an annual salary, not exceeding one hundred pounds, for his trouble, and to allow such a sum of money for the expenses of his office, as may appear reasonable; such salaries and allowances to be charged on the consolidated fund of the united kingdom, and to be payable quarterly; and an annual return of all such salaries and allowances shall be made to parliament.

Salaries to inspectors.

7. It shall be lawful for any executor or other party having lawful possession of the body of any deceased person (*g*), and not being an under-

Executors or other persons having lawful custody of bodies may permit them to undergo anatomical examination.

(*g*) A master of a workhouse was indicted for disposing of the dead bodies of some paupers for the purpose of dissection and for gain to himself.



2 & 3 Will. 4, c. 75.
ss. 7—9.

taker or other party intrusted with the body for the purpose only of interment, to permit the body of such deceased person to undergo anatomical examination, unless, to the knowledge of such executor or other party, such person shall have expressed his desire, either in writing at any time during his life, or verbally in the presence of two or more witnesses during the illness whereof he died, that his body after death might not undergo such examination, or unless the surviving husband or wife, or any known relative of the deceased person, shall require the body to be interred without such examination (*h*).

Provision in case of persons directing anatomical examinations after their death.

8. If any person either in writing at any time during his life, or verbally in the presence of two or more witnesses during the illness whereof he died, shall direct that his body after death be examined anatomically, or shall nominate any party by this act authorized to examine bodies anatomically to make such examination, and if, before the burial of the body of such person, such direction or nomination shall be made known to the party having lawful possession of the dead body, then such last-mentioned party shall direct such examination to be made, and in case of any such nomination as aforesaid, shall request and permit any party so authorized and nominated as aforesaid to make such examination, unless the deceased person's surviving husband or wife, or nearest known relative, or any one or more of such person's nearest known relatives, being of kin in the same degree, shall require the body to be interred without such examination.

The body not to be removed from the place where such person may have died without a certificate.

9. Provided always, that in no case shall the body of any person be removed for anatomical examination from any place where such person may have died, until after forty-eight hours from the time of such person's decease, nor until after twenty-four hours' notice, to be reckoned from the time of such decease, to the inspector of the district, of the intended removal of the body, or, if no such inspector have been appointed, to some physician, surgeon, or apothecary residing at or near the place of death, nor unless a certificate stating in what manner such person came by his death shall previously to the removal of the body have been signed by the physician, surgeon, or apothecary who attended such person during the illness whereof he died, or if no such medical man attended such person during such illness, then by some physician, surgeon, or apothecary who shall be called in after the death of such person to view his body, and who shall state the manner or cause of

On the death of the paupers, he had caused their bodies to be shown to their relatives in coffins, and every appearance of regular funerals to be gone through; whereas, just before the funeral, other coffins had been substituted, and the bodies were afterwards taken to an hospital for dissection. The relatives of the deceased persons had not, in accordance with the proviso, required that the bodies should be interred without anatomical examination; but the jury found that the prisoner had caused the appearance of funerals to be gone through with a view to prevent the relatives making such requirement, and that they would have so required but for the supposed funerals. It was held that as, in fact,

the relatives had not made the requirement which under the statute they had a right to make, the master of the workhouse was protected by the statute as a person having the lawful custody of the bodies, and was not therefore guilty of the offence charged. (*Reg. v. Feist* (1858), 1 Dears. & B. 59; 27 L. J. M. C. 164; Mews Digest, iv. 675).

(*h*) There is no property in a dead body, but the executors have a right to the possession of it, and their duty is to bury it although there is a direction in the will that some other person should cause the body to be burnt (*Williams v. Williams* (1882), 20 C. D. 659; 51 L. J. Ch. 385; Mews Digest, iv. 675).



death according to the best of his knowledge and belief, but who shall not be concerned in examining the body after removal; and that in case of such removal, such certificate shall be delivered, together with the body, to the party receiving the same for anatomical examination.

2 & 3 Will. 4,
c. 75.

Ss. 9–13.

10. It shall be lawful for any member or fellow of any college of physicians or surgeons, or any graduate or licentiate in medicine, or any person lawfully qualified to practise medicine in any part of the united kingdom, or any professor, teacher, or student of anatomy, medicine, or surgery, having a licence from his majesty's principal secretary of state or chief secretary as aforesaid, to receive or possess for anatomical examination, or to examine anatomically, the body of any person deceased, if permitted or directed so to do by a party who had at the time of giving such permission or direction lawful possession of the body (i), and who had power, in pursuance of the provisions of this act, to permit or cause the body to be so examined, and provided such certificate as aforesaid were delivered by such party together with the body.

Professors, surgeons, and others may receive bodies for anatomical examination.

11. Every party so receiving a body for anatomical examination after removal shall demand and receive, together with the body, a certificate as aforesaid, and shall, within twenty-four hours next after such removal, transmit to the inspector of the district such certificate, and also a return stating at what day and hour and from whom the body was received, the date and place of death, the sex, and (as far as is known at the time) the christian and surname, age, and last place of abode of such person, or, if no such inspector have been appointed, to some physician, surgeon, or apothecary residing at or near the place to which the body is removed, and shall enter or cause to be entered the aforesaid particulars relating thereto, and a copy of the certificate he received therewith, in a book to be kept by him for that purpose, and shall produce such book whenever required so to do by any inspector so appointed as aforesaid.

Such persons to receive with the body a certificate as aforesaid, which shall be transmitted to the inspector.

12. It shall not be lawful for any party to carry on or teach anatomy at any place, or at any place to receive or possess for anatomical examination, or examine anatomically, any deceased person's body after removal of the same, unless such party, or the owner or occupier of such place, or some party by this act authorised to examine bodies anatomically, shall at least one week before the first receipt or possession of a body for such purpose at such place, have given notice to the said secretary of state or chief secretary, as the case may be, of the place where it is intended to practise anatomy.

Notice to be given to secretary of state of places where anatomy is about to be practised.

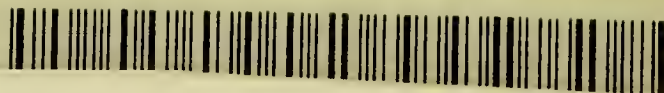
13. Provided always that every such body so removed as aforesaid for the purpose of examination shall, before such removal, be placed in a decent coffin or shell, and be removed therein; and that the party removing the same, or causing the same to be removed as aforesaid, shall make provision that such body, after undergoing anatomical examination, be decently interred in consecrated ground, or in some public burial ground in use for persons of that religious persuasion to which the person whose body was so removed belonged; and that a certificate of the interment of such body shall be transmitted to the inspector of the district within six weeks (k) after the day on which such body was received as aforesaid.

How bodies are to be removed for examination.

(i) If the body is in the possession of the coroner his permission would have to be obtained. As to the power of a coroner to order a *post-mortem* examination of the body, see s. 21 of

the Coroners Act, 1887 (50 & 51 Vict. c. 71), tit. "*Coroner*."

(k) This period may be varied by secretary of state's order. See 34 & 35 Vict. c. 16, *post*.



2 & 3 Will. 4.
c. 75.

Ss. 14—19.

Persons
described in
this act not to
be liable to
punishment
for having in
their posses-
sion human
bodies.

Act not to
prohibit post-
mortem
examination.

Offences
against this
act.

Interpretation
of certain
words in this
act.

14. No member or fellow of any college of physicians or surgeons, nor any graduate or licentiate in medicine, nor any person lawfully qualified to practise medicine in any part of the united kingdom, nor any professor, teacher, or student of anatomy, medicine, or surgery, having a licence from his majesty's principal secretary of state or chief secretary as aforesaid, shall be liable to any prosecution, penalty, forfeiture, or punishment for receiving or having in his possession for anatomical examination, or for examining anatomically, any dead human body, according to the provisions of this act.

15. Nothing in this act contained shall be construed to extend to or to prohibit any post-mortem examination of any human body required or directed to be made by any competent legal authority.

16. *So much of 9 Geo. 4, c. 31, as directs that the bodies of murderers may be dissected, repealed. Such bodies to be hung in chains or buried, as the court shall direct.*—[Repealed 24 & 25 Vict. c. 95.]

17. [Repealed and replaced with extensions by Public Authorities Protection Act, 1893, tit. "*Public Authorities.*"]

18. Any person offending against the provisions of this act in England or Ireland shall be deemed and taken to be guilty of a misdemeanor, and, being duly convicted thereof, shall be punished by imprisonment for a term not exceeding three months, or by a fine not exceeding fifty pounds, at the discretion of the court before which he shall be tried; and any person offending against the provisions of this act in Scotland shall, upon being duly convicted of such offence, be punished by imprisonment for a term not exceeding three months, or by a fine not exceeding fifty pounds, at the discretion of the court before which he shall be tried.

19. And in order to remove doubts as to the meaning of certain words in this act, be it enacted, that the words "person and party" shall be respectively deemed to include any number of persons, or any society, whether by charter or otherwise; and the meaning of the aforesaid words shall not be restricted, although the same may be subsequently referred to in the singular number and masculine gender only.

The Arsenic Act, 1851.

14 & 15 Vict. c. 13.

[See p. 980, *post.*]

The Pharmacy Act, 1852.

15 & 16 Vict. c. 56. An Act for regulating the Qualifications of Pharmaceutical Chemists. [30th June, 1852]

"Whereas it is expedient for the safety of the public that persons exercising the business or calling of pharmaceutical chemists in Great Britain should possess a competent practical knowledge of pharmaceutical and general chemistry and other branches of useful knowledge: and whereas certain persons desirous of advancing chemistry and pharmacy and of promoting an uniform system of educating those who should practise the same, formed themselves into a society called 'The Pharmaceutical Society of Great Britain,' which said society was on the 18th day of February, 1843, incorporated by royal charter, whereby it was provided that the said society should consist of members who should be chemists and druggists who were or had been established



on their own account at the date of the said charter, or who should have been examined in such manner as the council of the said society should deem proper, or who should have been certified to be duly qualified for admission, or who should be persons elected as superintendents by the council of the said society: and whereas it is expedient to prevent ignorant and incompetent persons from assuming the title of or pretending to be pharmaceutical chemists or pharmaceutists in Great Britain, or members of the said pharmaceutical society, and to that end it is desirable that all persons before assuming such title should be duly examined as to their skill and knowledge by competent persons, and that a register should be kept by some legally authorized officer of all such persons: and whereas for the purposes aforesaid, and for extending the benefits which have already resulted from the said charter of incorporation, it is desirable that additional powers should be granted for regulating the qualifications of persons who may carry on the business of pharmaceutical chemists:" BE IT ENACTED,

15 & 16 Vict.
c. 56.
Ss. 1—5.

1. The said charter of incorporation granted to the said society on the 18th day of February, 1843, save and except such part or parts thereof as are hereby altered, varied, or repealed, shall be and the same is hereby confirmed and declared to be in full force and virtue, and shall be as good and effectual to all intents and purposes as if this act had not been passed.

Charter, dated
18th Feb.,
1843, con-
firmed, save
as altered.

2. The council of the said pharmaceutical society shall be and the same are hereby authorized and empowered to alter and amend the bye-laws of the said society made and established under or in pursuance of the said charter of incorporation, and to make and establish such new or additional bye-laws as they shall deem proper and necessary for the purposes contemplated by the said charter or by this act: provided always, that all such original bye-laws, and all altered, amended, or additional bye-laws, shall be confirmed and approved by a special general meeting of the members of the said pharmaceutical society, and by one of her majesty's principal secretaries of state (l): [*provided also, that the existing bye-laws of the said society shall continue in force until the next annual meeting of the said society to be held in the month of May, 1853 (m).*]

Power to
council to
alter bye-laws,
provided they
are approved
by a general
meeting of
society and
the secretary
of state.

3. Manner of voting.—[Repealed S. L. R. 1875.]

4. The council of the said pharmaceutical society shall, [*within three calendar months after the passing of this act (m),*] appoint a fit and proper person as a registrar under this act, and the council of the said society shall have the power to remove the said registrar, or any future registrar to be appointed under this act, from the said office, and from time to time to appoint a new registrar in the room of any registrar who may die, or retire, or be removed from office as aforesaid, and also to appoint and remove from time to time a deputy registrar, and such clerks and other subordinate officers as may be requisite for carrying out the purposes of this act, and also to pay suitable salaries to the said registrar, deputy registrar, clerks, and officers.

Council to
appoint
registrar, &c.

5. The registrar to be appointed under or by virtue of this act shall from time to time make out and maintain a complete register of all persons being members of the said society, and also of all persons being associates and apprentices or students respectively, according to the terms of the charter of incorporation, and shall keep a proper index of

Registrar to
make registers
of members of
society, &c.
and to keep an
index and
books as may
be required.

(l) The power of making bye-laws conferred by this section has been extended by 8 Edw. 7, c. 55, s. 4,

p. 972, post.

(m) Words in italics repealed by S. L. R. 1875.



The Pharmacy Act, 1869.

32 & 33 Vict. c. 117. An Act to amend the Pharmacy Act, 1868. [11th August, 1869]

"Whereas it is expedient to amend the provisions of the Pharmacy Act, 1868, in regard to duly qualified medical practitioners and veterinary surgeons, and, in other respects: "

BE IT ENACTED as follows:

Reserving
rights of
persons regis-
tered before
act of 1868.

1. Nothing contained in the first fifteen sections of the recited act shall affect any person who has been registered as a legally qualified medical practitioner before the passing of this act; and the said clauses shall not apply to any person who may hereafter be registered as a legally qualified practitioner, and who, in order to obtain his diploma for such registration, shall have passed an examination in pharmacy; nor shall the said clauses prevent any person who is a member of the royal college of veterinary surgeons of Great Britain, or holds a certificate in veterinary surgery from the highland and agricultural society of Scotland, from dispensing medicines for animals under his care.

✓ 2. [Repealed by S. L. R. 1883.]

Excepting
medicine
supplied by a
legally
qualified
medical man.

3. Nothing contained in section seventeen of the said recited act shall apply to any medicine supplied by a legally qualified medical practitioner to his patient or dispensed by any person registered under the said act, provided such medicine be distinctly labelled with the name and address of the seller, and the ingredients thereof be entered, with the name of the person to whom it is sold or delivered, in a book to be kept by the seller for that purpose.

4. [Repealed by S. L. R. 1883.]

Schedule (F)
amended.

5. Schedule (F) of the said recited act is hereby altered by substituting for the second column headed "Name of Purchaser" a column headed "Name and Address of Purchaser."

SCHEDULE (A) (f).

The Anatomy Act, 1871.

34 & 35 Vict. c. 16. An Act to amend the Act of the Second and Third Years of William the Fourth, Chapter Seventy-five, for regulating Schools of Anatomy. [25th May, 1871]

"Whereas it is expedient to amend the act of the session of the second and third years of king William the fourth, chapter seventy-five, for regulating schools of anatomy: " BE IT ENACTED as follows:

Construction
and short title.

1. This act shall be construed as one with the recited act, and the recited act and this act may be cited as "The Anatomy Acts, 1832 and 1871," and each of them may be cited as the Anatomy Act of the year in which it was passed.

Power to
secretary of
state to vary
period for
transmission
of certificates
of interment
to district
inspectors.

2. It shall be lawful for one of her majesty's principal secretaries of state in that part of the united kingdom called Great Britain, and for the chief secretary for Ireland in that part of the united kingdom called Ireland, from time to time, by order, to vary the period limited by section thirteen of the recited act as the time within which certificates of interment are to be transmitted to the inspectors of districts.

(f) Schedule, repealed by S. L. R. 1883.



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